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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,442	07/17/2003	Youichi Sawachi	FSF-03381	2091

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EXAMINER
YODER III, CHRISS S

ART UNIT	PAPER NUMBER
2622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/620,442	SAWACHI, YOUICHI	
	Examiner	Art Unit	
	CHRISS S. YODER III	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 8, 2008 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1 and 14 have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. **Claims 1-7 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US Patent 5,973,734) in view of Yamagishi et al. (US Patent 6,968,118).**

2. In regard to **claim 1**, note Anderson discloses the use of a digital camera comprising a photographing component for photographing a subject (column 2, lines 53-63 and figure 3), an intermediate image generating component for generating an intermediate image having a resolution which is between a resolution of an original image and a resolution of a thumbnail (column 6, lines 4-43, column 7, lines 33-65, and figure 6), and a storage component for storing an original image photographed by the photographing component and the generated intermediate image (column 8, line 61 – column 9, line 9 and figure 6). Therefore, it can be seen that Anderson fails to explicitly disclose the use of a setting component for setting whether or not a generation of an intermediate image is to be carried out.

In analogous art, Yamagishi discloses the use of a setting component for setting whether the generation of reduced images is to be carried out (column 25, lines 40-52 and figure 12 shows that the reduced image data is created during the display processing function; and column 19, line 44 – column 20, line 12, column 26, lines 26-29, figure 8: S510-S519 and figure 10: S578-S581 show that when the image display and quick review modes are turned off, the image display processing functions are not performed, and therefore, no reduced image data is created). Yamagishi teaches that by setting whether or not reduced images are generated is preferred in order to reduce power consumption caused by the creation and display of reduced images (column 14, lines 44-54). Therefore, it would have been obvious to one of ordinary skill in the art to modify Anderson to include the use of a setting component for setting whether a generation of an intermediate image is to be carried out in order to reduce power

consumption caused by the creation and display of reduced images, as suggested by Yamagishi.

Additionally, as for the limitation, "for verifying a state of focus". This is simply an intended use for the image. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Therefore, this limitation is given no patentable weight.

3. In regard to **claim 2**, note Yamagishi discloses that the setting component sets a size of the intermediate image to be generated (column 25, lines 40-51and figure 12: S702, if the reduced image generation is on, the image is thinned to the desired output).

4. In regard to **claim 3**, note the primary reference of Anderson in view of Yamagishi discloses the use of a digital camera that creates an intermediate image having a resolution smaller than the original image, as claimed in claim 1 above. Therefore, it can be seen that the primary reference fails to explicitly disclose that the intermediate image is approximately 1/3 the size of the original image. Official Notice is taken that the concepts and advantages of using of an intermediate image that is approximately 1/3 the size of an original image are notoriously well known and expected in the art in order to reduce the storage space required and increase transfer speeds. Therefore it would have been obvious to one of ordinary skill to modify the primary device such that the intermediate image is approximately 1/3 the size of the original

image in order to reduce the storage space required and increase transfer speeds while providing an image that is still recognizable to the user.

5. In regard to **claim 4**, note Yamagishi discloses that the setting component further sets whether or not generation of a thumbnail image is to be carried out, wherein a thumbnail image generating component, for generating the thumbnail image when thumbnail image generation is set by the setting component, is disposed, and wherein the storage component stores, if generated, the generated thumbnail image (column 25, lines 40-52 and figure 12 shows that the reduced image data is created during the display processing function; and column 19, line 44 – column 20, line 12, column 26, lines 26-29, figure 8: S510-S519 and figure 10: S578-S581 show that when the image display and quick review modes are turned off, the image display processing functions are not performed, and therefore, no reduced image data is created; the Examiner is considering Yamagishi to set whether any reduced image data used for display purposes is to be generated, which includes both intermediate images as well as thumbnail images).

6. In regard to **claim 5**, note Yamagishi discloses that a setting component sets a size of the thumbnail image to be generated (column 25, lines 40-51and figure 12: S702, if the reduced image generation is on, the image is thinned to the desired output).

7. In regard to **claim 6**, note Anderson discloses that the thumbnail image is generated by sampling pixels at predetermined intervals (column 7, lines 52-65).

8. In regard to **claim 7**, note Anderson discloses that the thumbnail image is generated using an image reduction algorithm (column 7, lines 52-65).

9. In regard to **claims 14-20**, these are method claims, corresponding to the apparatus in claims 1-7, respectively. Therefore, claims 14-20 have been analyzed and rejected as previously discussed with respect claims 1-7.

10. **Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US Patent 5,973,734) in view of Yamagishi et al. (US Patent 6,968,118), and further in view of Sarbadhikari et al. (US Patent 5,477,264).**

11. In regard to **claim 8**, note Anderson discloses the use of a photographing system comprising a digital camera (column 2, lines 53-63 and figure 3),wherein the digital camera includes a photographing component for photographing a subject (column 2, lines 53-63 and figure 3), an intermediate image generating component for generating an intermediate image between a resolution of an original image and a resolution of a thumbnail (column 6, lines 4-43, column 7, lines 33-65, and figure 6), and a storage component for storing an original image photographed by the photographing component and the generated intermediate image (column 8, line 61 – column 9, line 9 and figure 6). Therefore, it can be seen that Anderson fails to explicitly disclose the use of a setting component for setting whether or not a generation of an intermediate image is to be carried out, a machine-readable medium encoded with a set of medium-readable instructions for use on a personal computer, a communicating component for communicating with the personal computer, and wherein the personal computer can be used to set the setting component via the communicating component.

In analogous art, Yamagishi discloses the use of a setting component for setting whether the generation of reduced images is to be carried out (column 25, lines 40-52 and figure 12 shows that the reduced image data is created during the display processing function; and column 19, line 44 – column 20, line 12, column 26, lines 26-29, figure 8: S510-S519 and figure 10: S578-S581 show that when the image display and quick review modes are turned off, the image display processing functions are not performed, and therefore, no reduced image data is created). Yamagishi teaches that by setting whether or not reduced images are generated is preferred in order to reduce power consumption caused by the creation and display of reduced images (column 14, lines 44-54). Therefore, it would have been obvious to one of ordinary skill in the art to modify Anderson to include the use of a setting component for setting whether a generation of an intermediate image is to be carried out in order to reduce power consumption caused by the creation and display of reduced images, as suggested by Yamagishi.

Also in analogous art, Sarbadhikari discloses the use of a machine-readable medium encoded with a set of medium-readable instructions for use on a personal computer (column 4, lines 10-67, the memory card can store software that is used to adjust the camera's firmware/performance), a communicating component for communicating with the personal computer, and wherein the personal computer can be used to set the setting component via the communicating component (column 4, lines 10-67, the software on the memory card is setup by the computer, and transferred to the camera). Sarbadhikari teaches that the use of a machine-readable medium

encoded with a set of medium-readable instructions for use on a personal computer, a communicating component for communicating with the personal computer, and wherein the personal computer can be used to set the setting component via the communicating component is preferred in order to enhance the operation of the camera without having the open the disassemble the camera (column 4, lines 10-67). Therefore, it would have been obvious to one of ordinary skill in the art to modify Anderson to include the use of a machine-readable medium encoded with a set of medium-readable instructions for use on a personal computer, a communicating component for communicating with the personal computer, and wherein the personal computer can be used to set the setting component via the communicating component in order to enhance the operation of the camera without having the open the disassemble the camera, as suggested by Sarbadhikari.

12. In regard to **claim 9**, note Suzuki discloses that the setting component sets a size of the intermediate image to be generated (column 25, lines 40-51and figure 12: S702, if the reduced image generation is on, the image is thinned to the desired output).

13. In regard to **claim 10**, note the primary reference of Anderson in view of Yamagishi and Sarbadhikari discloses the use of a photographing system that creates an intermediate image having a resolution smaller than the original image, as claimed in claim 8 above. Therefore, it can be seen that the primary reference fails to explicitly disclose that the intermediate image is approximately 1/3 the size of the original image. Official Notice is taken that the concepts and advantages of using of an intermediate image that is approximately 1/3 the size of an original image are notoriously well known

and expected in the art in order to reduce the storage space required and increase transfer speeds. Therefore it would have been obvious to one of ordinary skill to modify the primary device such that the intermediate image is approximately 1/3 the size of the original image in order to reduce the storage space required and increase transfer speeds while providing an image that is still recognizable to the user.

14. In regard to **claim 11**, note Yamagishi discloses that the setting component sets whether or not generation of a thumbnail image is to be carried out, wherein a thumbnail image generating component, for generating the thumbnail image when thumbnail image generation is set by the setting component, is disposed in the digital camera, and wherein the storage component stores the generated thumbnail image (column 25, lines 40-52 and figure 12 shows that the reduced image data is created during the display processing function; and column 19, line 44 – column 20, line 12, column 26, lines 26-29, figure 8: S510-S519 and figure 10: S578-S581 show that when the image display and quick review modes are turned off, the image display processing functions are not performed, and therefore, no reduced image data is created; the Examiner is considering Yamagishi to set whether any reduced image data used for display purposes is to be generated, which includes both intermediate images as well as thumbnail images).

15. In regard to **claim 12**, note Yamagishi discloses that the setting component sets a size of the thumbnail image to be generated (column 25, lines 40-51and figure 12: S702, if the reduced image generation is on, the image is thinned to the desired output).

16. In regard to **claim 13**, note Anderson discloses that the thumbnail image is generated by sampling pixels at predetermined intervals (column 7, lines 52-65).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US005402170A: note the use of a camera having a user set resolution.

US005528293A: note the use of a camera having a user selectable file formats.

US006567119B1: note the use of a camera having a user selectable file formats.

US006233010B1: note the use of a camera having a user set resolution and file format.

US007030914B2: note the use of a camera having computer control and user set resolutions.

US006288743B1: note the use of a camera having a user selectable file formats.

US006493028B1: note the use of a camera having a user selectable file formats.

US006006039A: note the use of a camera having computer controlled settings.

US006429896B1: note the use of a camera having a resolution set by an external device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISS S. YODER III whose telephone number is (571)272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. S. Y./
Examiner, Art Unit 2622

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622